

§ 47111. Payments under project grant agreements

(a) GENERAL AUTHORITY.—After making a project grant agreement under this subchapter and consulting with the sponsor, the Secretary of Transportation may decide when and in what amounts payments under the agreement will be made. Payments totaling not more than 90 percent of the United States Government's share of the project's estimated allowable costs may be made before the project is completed if the sponsor certifies to the Secretary that the total amount expended from the advance payments at any time will not be more than the cost of the airport development work completed on the project at that time.

(b) RECOVERING PAYMENTS.—If the Secretary determines that the total amount of payments made under a grant agreement under this subchapter is more than the Government's share of the total allowable project costs, the Government may recover the excess amount. If the Secretary finds that a project for which an advance payment was made has not been completed within a reasonable time, the Government may recover any part of the advance payment for which the Government received no benefit.

(c) PAYMENT DEPOSITS.—A payment under a project grant agreement under this subchapter may be made only to an official or depository designated by the sponsor and authorized by law to receive public money.

(d) WITHHOLDING PAYMENTS.—(1) The Secretary may withhold a payment under a grant agreement under this subchapter for more than 180 days after the payment is due only if the Secretary—

(A) notifies the sponsor and provides an opportunity for a hearing; and

(B) finds that the sponsor has violated the agreement.

(2) The 180-day period may be extended by—

(A) agreement of the Secretary and the sponsor; or

(B) the hearing officer if the officer decides an extension is necessary because the sponsor did not follow the schedule the officer established.

(3) A person adversely affected by an order of the Secretary withholding a payment may apply for review of the order by filing a petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the project is located. The petition must be filed not later than 60 days after the order is served on the petitioner.

(e) ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.—If, after notice and opportunity for a hearing, the Secretary finds a violation of section 47107(b) of this title, as further defined by the Secretary under section 47107(k) of this title, or a violation of an assurance made under section 47107(b) of this title, and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation, and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds

under this chapter, or any proposed modification to an existing grant that would increase the amount of funds made available under this chapter to the airport sponsor, and withhold approval of any new application to impose a fee¹ under section 40117 of this title. Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists.

(f) JUDICIAL ENFORCEMENT.—For any violation of this chapter or any grant assurance made under this chapter, the Secretary may apply to the district court of the United States for any district in which the violation occurred for enforcement. Such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining any person from further violation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1266; Pub. L. 103–305, title I, § 112(b), Aug. 23, 1994, 108 Stat. 1575; Pub. L. 113–188, title XV, § 1501(b)(2)(C), Nov. 26, 2014, 128 Stat. 2024.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47111(a)	49 App.:2213 (1st, 2d sentences).	Sept. 3, 1982, Pub. L. 97–248, § 514, 96 Stat. 691.
47111(b)	49 App.:2213 (3d, 4th sentences).	
47111(c)	49 App.:2213 (last sentence).	
47111(d)	49 App.:2218(b) (related to payment).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, § 519(b) (related to payment); added Dec. 30, 1987, Pub. L. 100–223, § 112(2), 101 Stat. 1504.

In subsection (a), the words “the terms of” are omitted as surplus. The words “totaling” and “total” are substituted for “in an aggregate amount” and “aggregate” for consistency in the revised title. The words “from time to time” are omitted as surplus. The words “before the project is completed” are substituted for “in advance of accomplishment of the airport project to which the payments relate” for consistency in this chapter and to eliminate unnecessary words.

In subsection (b), the words “at any time” are omitted as surplus. The words “project for which an advance payment was made has not been completed within a reasonable time” are substituted for “any airport development to which the advance payments relate has not been accomplished within a reasonable time or the project is not completed” for clarity, for consistency in this chapter, and to eliminate unnecessary words.

In subsection (d)(1) and (2), the word “sponsor” is substituted for “recipient” and “grant recipient” for clarity.

In subsection (d)(2)(A), the word “mutual” is omitted as surplus.

In subsection (d)(3), the words “adversely affected” are substituted for “aggrieved” for consistency in the revised title and with other titles of the United States Code. The words “the date on which” are omitted as surplus.

Editorial Notes

AMENDMENTS

2014—Subsec. (e). Pub. L. 113–188 substituted “section 47107(k)” for “section 47107(i)”.

1994—Subsecs. (e), (f). Pub. L. 103–305 added subsecs. (e) and (f).

¹ So in original. Probably should be “charge”.

§ 47112. Carrying out airport development projects

(a) **CONSTRUCTION WORK.**—The Secretary of Transportation may inspect and approve construction work for an airport development project carried out under a grant agreement under this subchapter. The construction work must be carried out in compliance with regulations the Secretary prescribes. The regulations shall require the sponsor to make necessary cost and progress reports on the project. The regulations may amend or modify a contract related to the project only if the contract was made with actual notice of the regulations.

(b) **PREVAILING WAGES.**—A contract for more than \$2,000 involving labor for an airport development project carried out under a grant agreement under this subchapter must require contractors to pay labor minimum wage rates as determined by the Secretary of Labor under sections 3141–3144, 3146, and 3147 of title 40. The minimum rates must be included in the bids for the work and in the invitation for those bids.

(c) **VETERANS' PREFERENCE.**—(1) In this subsection—

(A) “disabled veteran” has the same meaning given that term in section 2108 of title 5.

(B) “Vietnam-era veteran” means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces for more than 180 consecutive days, any part of which occurred after August 4, 1964, and before May 8, 1975, and who was discharged or released from active duty in the armed forces under honorable conditions.

(C) “Afghanistan-Iraq war veteran” means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, Operation Freedom’s Sentinel, or any successor contingency operation to such operations for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presidential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve, Operation Freedom’s Sentinel, or any successor contingency operation to such operations (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.

(D) “Persian Gulf veteran” means an individual who served on active duty in the armed forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions.

(2) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that preference in the employment of labor (except in executive, administrative, and supervisory positions) be given to Vietnam-era veterans,

Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans when they are available and qualified for the employment.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1267; Pub. L. 107–217, §3(n)(8), Aug. 21, 2002, 116 Stat. 1303; Pub. L. 112–95, title I, §139, Feb. 14, 2012, 126 Stat. 26; Pub. L. 115–254, div. B, title I, §135, Oct. 5, 2018, 132 Stat. 3209.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47112(a)	49 App.:2214(a).	Sept. 3, 1982, Pub. L. 97–248, §515, 96 Stat. 691.
47112(b)	49 App.:2214(b).	
47112(c)	49 App.:2214(c).	

In this section, the words “for an airport development project carried out under a grant agreement under this subchapter” are substituted for “on any project for airport development contained in an approved project grant application submitted in accordance with this chapter” in 49 App.:2214(a), “on projects for airport development approved under this chapter” in 49 App.:2214(b), and “under project grants for airport development approved under this chapter” in 49 App.:2214(c) for clarity and consistency in this section. See H.R. Rept. No. 97–760, 97th Cong., 2d Sess., p. 715 (1982).

In subsection (a), the words “or sponsors” are omitted because of 1:1.

In subsection (b), the words “must require contractors to pay labor minimum wage rates” are substituted for “shall contain provisions establishing minimum rates of wages . . . which contractors shall pay to skilled and unskilled labor” to eliminate unnecessary words. The word “proposals” is omitted as included in “bids”.

Subsection (c)(1)(A) is substituted for “a disabled veteran is an individual described in section 2108(2) of title 5” for consistency in the revised title and with other titles of the Code.

In subsection (c)(1)(B), the words “after August 4, 1964, and before May 8, 1975” are substituted for “during the period beginning August 5, 1964, and ending May 7, 1975” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (c)(2), the words “must require that” are substituted for “shall contain such provisions as are necessary to insure that”, and the words “when they are available and qualified for the employment” are substituted for “However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates”, to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2018—Subsec. (c)(1)(C). Pub. L. 115–254 substituted “Operation New Dawn, Operation Inherent Resolve, Operation Freedom’s Sentinel, or any successor contingency operation to such operations for more” for “or Operation New Dawn for more” and “Operation New Dawn, Operation Inherent Resolve, Operation Freedom’s Sentinel, or any successor contingency operation to such operations (whichever is later)” for “or Operation New Dawn (whichever is later)”.

2012—Subsec. (c)(1)(B). Pub. L. 112–95, §139(1)(A), substituted “discharged or released from active duty in” for “separated from”.

Subsec. (c)(1)(C), (D). Pub. L. 112–95, §139(1)(B), added subpars. (C) and (D).